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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,014	01/18/2000	LAURENT MARCQ	19210/125/10	6235

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/423,014

Applicant(s)

MARCQ, LAURENT

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,27,45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,27,45 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings filed on Sept. 8, 2004 are non-compliant with 37 CFR 1.121 since the applicant failed to include replacement drawing sheets in the amendment in which each replacement sheet is marked in the top margin as "Replacement Sheet". Therefore the proposed drawings filed on Sept. 8, 2004 have not been approved.

The drawings are objected to because figure 1 fails to show how the flexible item is attached to the member 26. The same numerals are used to identify different elements in the drawings, i.e. the numeral 1 appears in almost all of the figures and it is directed to different elements. In figures 3, the lead line for numeral 9A does not appear to be pointing towards the edge of the poster. In figures 1,2,3, and 5, the applicant labels the same element (display element/poster) with two different numbers, i.e. "2" and "8". In figure 1, the upper and lower hooking devices do not appear to be "hollow-shaped carbon fibre rods as defined in the specification, page 8, lines 8-9 and they also do not appear to be "hooking" devices as defined on page 8, lines 6-7. The figures fails to show multiple linking devices 34 as defined in the specification, page 10, lines 28-29. Figure 7 fails to show hook-shaped linking devices 59 as defined on page 11, line 1. The lead line for numeral 59 is not directed to hook-shaped members. In figure 7, numerals 35 and 38 are using the same lead line which is improper. In figure 7, the fastening device (38) can not be seen as suggested in the specification, page 11, line 12. The cases (39) should be shown in figure 7. The figures fails to show multiple linking devices as indicated in the specification, page 9, line 28, and page 13, lines 19-28. In figure 9, it

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is not clear what element is being shown, is it the linking device 7 or the fixing device 47 and why aren't the parts shown in figure 9 shown in figure 1. In figures 4a, 4b, and 5, the applicant labels different elements with the same numeral, i.e. numeral 16. The numeral 16 is used to label the rod 16 placed within the hooking device 4 shown in figures 4a and 4b and the numeral 16 is used to label a rod 16 placed within the seam in figure 5. The hem (53) should be shown in figures 2 and 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 45,47,26, and 27 are objected to because of the following informalities: In claim 45, line 21, "such as to orient" should apparently be "to orient". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26, lines 4-5, it is not clear how a round shape can be perpendicular to a cross section, i.e. it appears that a round shape can not be perpendicular to any direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housman et al. (U.S. Patent No. 2,160,457) in view of Perutz et al. (U.S. Patent No. 4,700,498).

Housman et al. shows in figures 1-5 light furniture comprising a lower hooking device (22), an upper hooking device (24), a base (11,12,27, the connection 17 and the portion below and to the right of the pivotal connection (17) shown in figure 1), a flexible poster (23) having a first end attached to the lower hooking device (22), the base includes a single support area, a substantially elongate extension (13,14) protruding in a direction from the ground engaging

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member, and a length adjusting rod (26). Housman et al. discloses on page 1, column 2, lines 20-24, that the rod (26) can be a telescoping rod. The base has means (27) for connecting the base to the rod. Housman et al. does not disclose attaching a pair of ground support devices to the lower hooking device. Perutz et al. shows in figure 2 the idea of attaching a pair of ground support devices (29,29) to a lower hooking device (17 or X). In view of the teachings of Perutz et al. it would have been obvious to one in the art to modify Housman et al. by attaching a pair of ground support devices to the lower hooking device since this would make the furniture more stable. In regard to claims 26 and 27, it is considered within one skilled in the art to make the ground support devices into any shape as desired. The ground support devices "could be" slidably attached to the lower hooking devices as broadly defined.

Claims 45,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housman et al. (U.S. Patent No. 2,160,457) in view of Cohn, Jr. (U.S. Patent No. 3,565,152).

Housman et al. shows in figures 1-5 light furniture comprising a lower hooking device (22), an upper hooking device (24), a base (11,12,27, the connection 17 and the portion below and to the right of the pivotal connection (17) shown in figure 1), a flexible poster (23) having a first end attached to the lower hooking device (22), the base includes a single support area, a substantially elongate extension (13,14) protruding in a direction from the ground engaging member, and a length adjusting rod (26). Housman et al. discloses on page 1, column 2, lines 20-24, that the rod (26) can be a telescoping rod. The base has means (27) for connecting the base to the rod. Housman et al. does not disclose attaching a pair of ground support devices to the lower hooking device. Cohn, Jr. shows in figure 1 the idea of attaching a pair of ground

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support devices (17,18) to a lower hooking device (31). In view of the teachings of Cohn, Jr. it would have been obvious to one in the art to modify Housman et al. by attaching a pair of ground support devices to the lower hooking device since this would allow the furniture to be moved around in an easier and faster manner. In regard to claims 26 and 27, it is considered within one skilled in the art to make the ground support devices into any shape as desired. The ground support devices "could be" slidably attached to the lower hooking devices as broadly defined.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Housman et al. (U.S. Patent No. 2,160,457) in view of Perutz et al. (U.S. Patent No. 4,700,498) as applied to claim 45 above and further in view of Smith et al. (U.S. Patent No. 4,103,445).

Housman et al. in view of Perutz et al. disclose the applicant's basic inventive concept except for providing a container for storing the furniture. Smith et al. shows in figure 2 the idea of providing a container (51) for storing a collapsible display. In view of the teachings of Smith et al. it would have been obvious to one in the art to modify Housman et al. by providing a container since this would allow the furniture to be stored and transported in an easier manner and would allow the furniture to be protected in a better manner when not being used. Smith et al. discloses that the container is in the form of a conventions mailing tube, see column 4, lines 54-55. It is considered within one skilled in the art to make the container from any material as desired.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Housman et al. (U.S. Patent No. 2,160,457) in view of Cohn, Jr. (U.S. Patent No. 3,565,152) as applied to claim 45 above and further in view of Smith et al. (U.S. Patent No. 4,103,445).

Housman et al. in view of Cohn, Jr. disclose the applicant's basic inventive concept except for providing a container for storing the furniture. Smith et al. shows in figure 2 the idea of providing a container (51) for storing a collapsible display. In view of the teachings of Smith et al. it would have been obvious to one in the art to modify Housman et al. by providing a container since this would allow the furniture to be stored and transported in an easier manner and would allow the furniture to be protected in a better manner when not being used. Smith et al. discloses that the container is in the form of a conventions mailing tube, see column 4, lines 54-55. It is considered within one skilled in the art to make the container from any material as desired.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Sept. 30, 2004